

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY
LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

This Document Relates To:

**Plaintiffs' Master Administrative Long
Form Complaint and**

Donald Patterson, Plaintiff.

**Hon. Anita B. Brody
Hon. David Strawbridge**

NOTICE OF ATTORNEY'S LIEN

Pursuant to Rules of Procedure, and the executed Retainer Agreement dated November 12, 2013, Petitioners Anthony Tarricone of KREINDLER & KREINDLER LLP, Sol H. Weiss of ANAPOL WEISS LLP, and Konstantine Kyros of KYROS LAW OFFICE attorneys for Plaintiff in the above-entitled action, Donald Patterson, hereby notify this Court and all parties that they have an attorneys' fee lien in this case for reasonable and agreed upon attorney's fees, plus expenses, as set forth in the accompanying Petition to Establish Attorney's Fee Lien.

Dated: September 15, 2022

Respectfully Submitted,
KREINDLER & KREINDLER LLP

/s/ Anthony Tarricone
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-and-

ANAPOL WEISS LLP
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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Notice of Attorney's Lien was served electronically via the Court's electronic filing system on the 15th day of September 2022, upon all counsel of record.

Dated: September 15, 2022

/s/ Anthony Tarricone
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**Hon. Anita B. Brody
Hon. David Strawbridge**

PETITION TO ESTABLISH ATTORNEY'S LIEN

AND NOW come Petitioners Anthony Tarricone of KREINDLER & KREINDLER LLP, Sol H. Weiss of ANAPOL WEISS LLP, and Konstantine Kyros of KYROS LAW OFFICE, pursuant to an executed Retainer Agreement to Petition to Establish Attorney's Lien and state as follows:

1. Petitioner Anthony Tarricone is an attorney admitted to practice before the courts of Massachusetts, and various other courts. He is admitted pro hac vice in the United States District Court for the Eastern District of Pennsylvania in relation to this matter.
2. Petitioner Sol H. Weiss is attorney admitted to practice in the United States District Court for the Eastern District of Pennsylvania, the Pennsylvania Supreme Court, and various other courts.
3. Petitioner Konstantine Kyros is an attorney admitted to practice before the courts of Massachusetts, and various other courts.
4. Collectively Petitioners file this Petition to establish a lien for attorney's fees as set forth hereinafter.

5. On or about November 22, 2013, Petitioners Anthony Tarricone of KREINDLER & KREINDLER LLP and Konstantine Kyros of KYROS LAW OFFICE were retained by Plaintiff Donald Patterson, pursuant to a Retainer Agreement for legal services to pursue a claim for injuries and damages allegedly caused by the National Football League's conduct associated with football related concussions, head and brain injuries.

6. The Retainer Agreement provided for a contingency fee of thirty-three and one third percent (33 1/3 %) of the Client-Plaintiff's recovery. (NFL Retainer Agreement, attached hereto as Exhibit A). The Agreement also provided that Petitioners would advance all costs and disbursements necessary to prosecute Plaintiff's claim and that such expenses would be reimbursed from the proceeds of any amount recovered. (*Id.*).

7. After being retained by Plaintiff, Mr. Tarricone and Mr. Kyros associated with Mr. Weiss and his firm to act as local counsel in aiding them to file suit in the Eastern District of Pennsylvania.

8. When Petitioners entered into this Agreement/contract with Plaintiff, Petitioners entered into the risk and expense of the litigation before any settlement discussion had been held.

9. Pursuant to the Retainer Agreement, on March 10, 2014, the Petitioners filed a suit on Plaintiff's behalf as part of the case captioned *Marvin B. Dunn et al. v. National Football League et al.*, Case No. 13-cv-05462-AB, in the Eastern District of Pennsylvania. On October 2, 2013, Petitioners filed a short form complaint (Doc. No. 12) on behalf of Plaintiff.

10. From the date Petitioners were authorized to proceed on behalf of the Plaintiff, the Petitioners have actively and diligently investigated, prepared, and pursued Plaintiff's claims, and has taken all steps necessary to prosecute those claims, including, but not limited to,

correspondence and communications with the client, preparation and review of client's factual, medical and legal circumstances, drafting documents and providing client updates.

11. Prior to the settlement being finalized, two of Petitioners served on the Plaintiffs' Steering Committee, which inured to the Plaintiff's benefit.

12. The Petitioners voluntarily reduced the contingent fee percentage from thirty-three and one third percent (33 1/3 %) to twenty-three percent (23%) of the net recovery because of the Petitioners' expectation to receive a common benefit fee, as well as the fact that the case had resulted in an administrated settlement.

13. The Petitioners registered Plaintiff for the Settlement Benefits on February 10, 2017.

14. The Petitioners arranged for Plaintiff to participate in testing through the Baseline Assessment Program ("BAP"). On November 15, 2017, Plaintiff had his BAP neuropsychology examination. On December 6, 2017, Plaintiff had his BAP neurology examination.

15. On August 19, 2022, Plaintiff contacted Kreindler & Kreindler LLP to state that he had decided to terminate their representation.

16. Petitioners were not terminated due to any malfeasance or other improper action.

17. The Petitioners claim the right to have a lien for attorneys' fees and expenses established and enforced upon the sums to be obtained by Plaintiff in this action.

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WHEREFORE, the Petitioners pray:

1. That an attorney's lien be established;
2. That the amount of the lien be determined;
3. That the Court order that Petitioner be entitled to enforce an attorney's lien against the proceeds to be derived from any settlement or judgment in this action.

Dated: September 19, 2022

Respectfully Submitted,
KREINDLER & KREINDLER LLP

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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Petition to Establish Attorney's Lien was served electronically via the Court's electronic filing system on the 19th day of September 2022, upon all counsel of record.

Dated: September 19, 2022

/s/ Anthony Tarricone
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